BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE STATE OF ARIZONA

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In the Matter of

JOE T. HAYASHI, M.D.

In the State of Arizona.

Holder of License No. 12865

For the Practice of Medicine

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Board Case No. MD-00-0559

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

(Letter of Reprimand & Probation)

On January 15, 2002, Joe T. Hayashi, M.D., ("Respondent") appeared before a Review Committee of the Arizona Board of Medical Examiners ("Board") without legal counsel, for a formal interview pursuant to the authority vested in the Review Committee by A.R.S. § 32-1451(Q). The matter was referred to the Board for consideration at its public meeting on March 6, 2001. After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

## **FINDINGS OF FACT**

- 1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of License No. 12865 for the practice of medicine in the State of Arizona.
- 3. The Board initiated case number MD-00-0559 after receiving a complaint regarding Respondent's care and treatment of a patient ("Patient").

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- Respondent performed Patient's annual physical from 1992 through 1995.
   The annual physical included blood tests and urinalysis.
- 5. In his complaint, Patient indicated that after undergoing the 1995 physical Respondent informed him that he was in perfect health. Patient then decided in March 1995, of his own accord, that he preferred to be treated at Mayo Clinic Scottsdale ("Mayo"). A physician at Mayo informed Patient that platelet count was dangerously high and that a slight increase could cause a stroke. The physician diagnosed Patient's condition as thrombocythemia and prescribed medication. Patient has been compliant with the Mayo physician's instructions and Patient's platelet count is now in the normal range.
- 6. At the formal interview, Respondent testified that, although Patient's 1992 platelet count was elevated, he did not take the elevated count into consideration.
- 7. Respondent also testified that he had no record in his notes that he addressed the elevated platelet count after completing Patient's 1993 physical.
- 8. Patient's 1993 chart contains a note by Respondent that Patient's objective lab results were all within normal limits.
  - 9. Respondent testified that he believed he overlooked the platelet count.
- 10. In response to a query from the Board, Respondent testified that he did not have a cross-check system in place in his practice for following laboratory test results.
- 11. Respondent claimed that he told Patient of the elevated platelet count, but there is no documentation that he did so.
- 12. Respondent testified that he saw a note on the bottom of the 1995 laboratory report that read "Thrombocytosis is confirmed on review. Significant platelet counts over 650,000 may be primarily reactive." The laboratory report went on to discuss the risk for thromboembolic events.

- 13. Respondent testified that he did not recall any specifics of any conversations with Patient, but that he did recall telling Patient the platelet count was elevated. Respondent testified that he did not document any conversation with, or recommendation to, Patient.
- 14. Respondent admitted that not making a recommendation fell below the standard of care.

## **CONCLUSIONS OF LAW**

- 1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction over the subject matter hereof and over Respondent.
- 2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.
- 3. The conduct and circumstances above in paragraphs 6 through 14 constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (25)(q) "[a]ny conduct or practice which is or might be harmful or dangerous to the health of the patient or the public."

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law,

#### IT IS HEREBY ORDERED that:

- Respondent is issued a Letter of Reprimand for failing to act on abnormal laboratory results.
- 2. Respondent is placed on Probation for five years with the following terms and conditions:
- (a). Respondent shall within one year of the effective date of this Order, obtain 40 hours of Board staff pre-approved Category I Continuing Medical Education (CME) to

be divided into 15 hours of medical record keeping and 25 hours of normal/abnormal laboratory values and clinical decision making as a result of testing and interpretation. Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for biennial renewal of Respondent's medical license.

(b). Two years after the effective date of this Order, Board Staff will conduct a chart review in the Respondent's office. If the issues resulting in the above-determined statutory violation have been resolved, the Executive Director may terminate the Probation.

# RIGHT TO PETITION FOR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

|    | DATED this _6 —day of _// arch_, 2002.   |   |
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| 6  | 1913 .   | CLAUDIA FOUTZ Executive Director                      |
| 7  | A MANAGEMENT HILL  | TOM ADAMS Deputy Director                             |
| 8  | ODIONAL as the same as a stability   | Deputy Director                                       |
| 9  | ORIGINAL of the foregoing filed this day of \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\  |   |
| 10 | The Arizona Board of Medical Examiner 9545 East Doubletree Ranch Road  | rs  |
| 11 | Scottsdale, Arizona 85258  |   |
| 12 | Executed copy of the foregoing   |   |
| 13 | mailed by U.S. Certified Mail this day of <u>Mach</u> , 2002, to:  |   |
| 14 | Lo T Howel: MD   |   |
| 15 | Joe T. Hayashi, M.D. Horizon Medical Center  |   |
| 16 | 14510 West Granite Valley Drive<br>Suite 200   |   |
| 17 | Sun City West, Arizona 85375-5796  |   |
| 18 | Copy of the foregoing hand-delivered the day of Manager 1, 2002, to:   | is  |
| 19 |  |   |
| 20 | Christine Cassetta Assistant Attorney General  |   |
| 21 | Sandra Waitt, Management Analyst   |   |
| 22 | Lynda Mottram, Compliance Officer Lisa Maxie-Mullins, Legal Coordinator (I   | Investigation File)                                   |
| 23 | Arizona Board of Medical Examiners 9545 East Doubletree Ranch Road   |   |
| 24 | Scottsdale, Arizona 85258  |   |
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